

5
378.1

m4c

STATE DOCUMENTS

JUN 11 1976

COMMUNITY COLLEGES IN MONTANA

THE MONTANA UNIVERSITY SYSTEM

Commissioner of Higher Education
1231 Eleventh Ave.
Helena, Montana
59601

February, 1976

COMMUNITY COLLEGES IN MONTANA

	<u>Dawson College</u>	<u>Miles Community College</u>	<u>Flathead Valley Community College</u>
Location	Glendive	Miles City	Kalispell
Date organized	1940	1939	1967
Community college district	Dawson County	Custer County	Flathead County
Enrollment			
Current (Fall, 1975)	511	735	1,861
Previous academic year	465	678	1,310
Academic personnel	33	29	41
Professional personnel	7	5	11
Classified personnel	10	11	18
Number of academic programs	23	19	32
Number of vo-tech programs	7	4	5
Degrees granted, 1975	76	64	113
Certificates granted, 1975	15	2	40
Number of students transferring to 4-year institutions, 1975	31	60	67
Student/faculty ratio	13/1	17.2/1	24.1/1
Number of students in adult education programs	304	2,474	912
Operating budget, 1974-75			
General fund	\$270,000	\$267,000	\$535,000
Local taxes	\$208,877 ¹	\$198,802 ³	\$224,165 ⁵
Student revenue	\$ 79,068	\$ 55,000	\$188,079
Operating budget, 1975-76			
General fund	\$343,220	\$350,642	\$681,216
Local taxes	\$217,685 ²	\$185,818 ⁴	\$305,827 ⁶
Student revenue	\$ 79,457	\$ 60,000	\$186,650
President:	James Hoffman	Vernon Kailey	Donald Lindahl
Board of Trustees	Mr. L.E. Wood Dr. Eugene Aby Mrs. Henry Dion Mrs. Robert Hilliard Mr. George Samuelson Mr. Kenneth Edwards Mr. M. Dean Knapp	Mr. James P. Lucas Mr. Russell M. Shore Ms. Eileen Carlson Mr. Jessica Stickney Mr. Robert Barthelmess Mr. Nick A. Lopez Mr. Jerry McKibbin	Mr. Perry Melton Mr. Robert Lopp Mr. Jack Canavan Ms. Louise Kehoe Dr. Herman Ross Ms. Jean Robocker Ms. Leona Hileman

^{1,2} Does not include \$54,355 T.R.S. and P.E.R.S.

³ Does not include \$40,401 T.R.S. and P.E.R.S.

⁴ Does not include \$60,000 T.R.S. and P.E.R.S.

⁵ Does not include \$46,436 T.R.S.

⁶ Does not include \$72,604 T.R.S.

TABLE OF CONTENTS

	Page
I. Introduction.	1
II. Governance.	2
III. Curriculum.	5
IV. Financing	6

Appendix I - Statutes, R.C.M., 1947

Appendix II - Current Board of Regents Policies

Appendix III - Recent Legislation

II. Introduction

Legal authority for some aspects of governance of community colleges was given the Board of Regents in 1971 through revision of state law. It was not until after the Constitutional revision of 1972, which gave the Board of Regents more authority, and the implementing legislation of the 1973 session, which specified the appointment of a Commissioner of Higher Education, that any specific policies were developed concerning community colleges.

The major statutory provision which delineates Regents' responsibility for community colleges reads as follows:

75-8103. Supervision by board of regents. Community college districts shall be under the supervision of the regents. The regents shall:

- 1) appoint a coordinator of community college districts and request legislative appropriations for the operation of his office;
- 2) formulate and put into effect uniform policies as to budgeting, record keeping, and student accounting;
- 3) establish minimum entrance requirements and approve curricular offerings for all community colleges;
- 4) direct each community college district to seek accreditation from a recognized accrediting association.

Other statutes outline the Regents' role in organizing new community college districts. In addition, one of the most significant provisions directs that a budget, prepared by the board of trustees of a community college district, will be submitted to the Board of Regents and, after adjustment, by the Board to the "budget officer of the state."

On April 8, 1974, the Board of Regents promulgated eight policies to facilitate the governance of community colleges. These policies cover the following:

- 1) curricula
- 2) degree and certificate offerings
- 3) division of governance responsibilities
- 4) presidents, faculty and personnel
- 5) property and construction

- 6) students and student fees
- 7) budgeting and fiscal matters
- 8) organization of community college districts

III. Governance

This section presents a brief review of current policies:

Item 4-005-R0474, Curricula, Montana Community Colleges

Academic curricula: all courses normally offered during the first two years at four year-institutions.

Transferability: Although not addressed specifically, the policy implies that all courses completed in the academic curricula at a community college are transferable. The policy does specify that any transfer student who believes he/she has completed a course equivalent to upper division work shall have the opportunity to challenge such courses at a four-year institution.

New course offerings: The policy directs that the community college coordinator shall be notified of all new course offerings. This aspect of the policy has never been implemented.

Occupational programs: those vocational-technical programs which appear in the community college catalog.

Adult and continuing education programs: those courses funded by the one-mill levy authorized by law for such purpose and/or by student fees specifically assessed for such courses or workshops. The local boards of trustees are authorized to approve such course offerings.

Curriculum proposals: The guidelines for submission of proposals from community colleges are the same as those for the units of the Montana University System. All new programs leading to a degree or a certificate which have not been offered by the community college during the previous two years must be approved. This includes occupational and academic programs.

Accreditation: The policy specifies accreditation by the Northwest Association of Secondary and Higher Schools. All three are accredited by this group.

Item 4-006-R0474, Degree and Certificate Offerings

Degrees which may be authorized: associate in arts, associate in applied science.

Certificates of completion: these are authorized in specific occupational and vocational programs.

Degrees prohibited: The community colleges are prohibited by law from offering baccalaureate degrees.

Item 4-004-R0474, Division of Governance Responsibilities

Degrees: Regents will authorize degrees and certificates; trustees will grant such degrees to graduates.

Curriculum: Regents will approve all academic and occupational programs; trustees will approve ad hoc occupational programs and adult and continuing education programs. (Policies are not clear on this point).

Accreditation: Regents will direct community colleges to seek accreditation; trustees will supervise "achievement and maintenance of accreditation standards".

Budget: Regents will develop uniform policies, review annual general fund budgets adopted by the trustees and approve and recommend biennial and supplemental budgets for funding; trustees will adopt an annual general fund budget, recommend biennial budgets to the Board of Regents, accept gifts, accept funds for operation, submit an additional levy to the voters if legislative appropriations are not sufficient to meet the general fund budget.

Staffing: The Regents will set minimum qualification for faculty and staff; the trustees will make appointments, set duties and fix salaries.

Minimum entrance requirements: Regents will set minimum entrance requirements; trustees will establish specific requirements for particular programs.

Tuition and fees: Regents will approve all tuition and fees; trustees will recommend changes in fees and will approve all waivers.

Student accounting: Regents will establish uniform policy; trustees will supervise maintenance of approved records.

Property: Regents will approve all property transactions which involve expenditure

of state funds; trustees will have authority to conduct all transactions not involving state funds.

Construction: Regents will authorize all construction or acquisition which involves state funds; trustees will have the authority to conduct all such activities which do not involve state funds.

Item 4-008-R0474, Presidents, Faculty and Personnel

Qualifications for academic faculty: minimum requirement of a master's degree in the teaching field or in a closely related discipline approved by the community college coordinator.

Qualifications for occupational faculty: minimum requirement of three year's experience in the occupation.

Qualifications for adult and continuing education faculty: to be determined by the presidents.

Exemptions: Faculty already employed at the time of approval of the policy are exempt from the minimum qualifications.

Temporary appointments: Approval of the community college coordinator must be obtained for appointment of faculty who do not meet the minimum qualifications.

Item 4-010-R0474, Property and Construction

Approval of Regents: Any expenditure of funds directly appropriated by the legislature which are to be used to purchase, lease, alter, repair, etc., must be approved prior to the transaction by the Board of Regents.

Item 4-009-R0474, Students and Student Fees

Admissions: All persons shall be admitted who are high school graduates or who are eighteen. Others may be admitted upon recommendation of a high school principal.

Schedule of tuition and fees: A consolidated schedule of tuition and fees will be submitted as part of the annual general fund presentation to the Board.

Student accounting: The community college coordinator will provide forms for the submission of such data.

Biennial and supplemental budgets: The Commissioner of Higher Education will provide forms for submission of these budget requests to the Board of Regents.

Annual general fund budget: The Commissioner of Higher Education will provide forms for submission of these budget requests annually.

Item 4-011-R0474, Organization of Community College Districts

Requirements are outlined in detail in the statutes of Montana.

IV. Curriculum

Although the law calls for the Regents to "approve all curricular offerings of community colleges" and Regents' policy directs that approval be given for all new course offerings leading to a degree or certificate, the Regents have to date received only two curricular proposals. Both of these were submitted by Flathead Valley Community College. The first, an associate degree in Agricultural Sciences, was approved by the Board in December, 1975. The second, an associate degree in Criminal Justice, arrived recently and has not yet been placed on the agenda for consideration by the Curriculum Committee.

The same type of information has been requested concerning these proposals as is required for proposals from the four-year institutions. The second proposal submitted by FVCC followed the guidelines for submission of curriculum items, which are outlined in Regents' policy 2-001-R0973, much more closely than did the previous proposal.

Community colleges are growing, but most of this growth is in the areas of vocational-technical and public service enrollments. Only 158 students transferred to four-year colleges in 1975.

A policy statement on transferability was recently prepared by the Commissioner of Higher Education (see Appendix II). This is a liberal statement which permits posting of all credits on transcripts, application of college level courses as free electives and, depending on the major requirements, permits applying college level

courses toward the major. It also sets mechanisms for resolution of disputes.

The words "college level" are important in this policy statement since that determination permits avoidance of routine acceptance of credits from the vocational-technical centers, something Northern Montana College and the community colleges have to worry about now. There is no specific policy on this question at the present time. The issue was discussed at a recent Board meeting and there seemed to be general agreement that acceptance of these credits should be based on a demonstration of competency.

V. Financing

Prior to 1971, the three community colleges were financed through the state's school foundation program. The foundation program is the primary vehicle through which the state finances, and provides equalization for, primary and secondary education. The community colleges were apportioned money from the foundation program based on the "annual number belonging" (ANB) method. The ANB formula is only applied to students under twenty-one years of age. Since a significant portion of the community college population was over the age of twenty-one, the ANB method did not provide adequate financing.

The legislature amended state laws in 1971 to remove the community colleges from the foundation program and assigned legal authority for portions of community college governance to the Board of Regents. Although the legislature only provided the equivalent ANB support per student for community colleges as it had provided through the foundation program in 1971, the formula amount was provided to all students regardless of age. Thus, that portion of community college budgets financed by the state general fund increased markedly after 1971.

The statutory changes of the 1971 legislative session were first put into practice in preparing for the 1973 legislature. Basic budget formats and definitions were provided by the Office of the Executive Secretary and submitted by the boards of trustees to the community college sub-committee of the Regents.

The Regent sub-committee and the staff of the Executive Secretary's office attempted to devise an equitable method of financing community colleges. There were no legislative guidelines as to what the proper balance between state and local financing should be. The Regents were given the power to recommend a level of financing without having any express authority over salary determinations, student tuitions, local tax levys or academic programs. The Regents finally decided on recommending an incremental increase to the general fund portion of the community college budgets in 1973.

A similar approach was used in arriving at the recommended budget request for the 1975 legislative session, although the Regents also agreed to support two legislative measures recommended by the Blue Ribbon Commission study. One measure (SB 624) provided for a state-to-local financing ratio of 65/35 for community colleges. (see Appendix III). The legislation gave the Regents the authority to define the type of moneys which comprise the 65% and the 35% consistent with the language of the bill.

The two primary sources comprising the local share are:

1. Student fees and tuition
2. Local property tax

The state's share of financing will primarily consist of general fund sources, although the Regents have the authority to rebate up to 3 mills of the 6 mill levy.

✓ Federal funds and separately funded projects or programs are considered neutral moneys and do not become part of the state or local funding ratio.

A key aspect of SB 624 is that the portion of the local financing provided by the property tax is mandatory - i.e. the local voters do not have to approve the tax. Thus, the power of the Regents to approve the budget is also power to tax the local community.

The local trustees will have to carefully assess the budgetary needs of community colleges prior to submitting a budget to the Regents. While the 65% state financing looks good, the 35% mandatory local share provides a balance point.

House Bill 513 passed in 1975 provides the Regents with the power to rebate up to 3 mills of the statewide tax levy. The theory behind the statute was based on the fact that the community colleges provide a state service in addition to community services. Since the communities must utilize property tax very heavily, the 3 mill rebate acknowledges the state role and relieves some of the local pressure and resistance to paying property taxes for two educational structures.

Appendix I - Statutes, R.C.M., 1947

COMMUNITY COLLEGE DISTRICTS

- Section 75-8101. Definition.
- 75-8102. Community college districts name and corporate powers.
- 75-8103. Supervision by board of regents.
- 75-8104. Requirements for organization of community college district.
- 75-8105. Petition to propose organization of community college district.
- 75-8106. Call of community college district organization election and proposition statement.
- 75-8107. Election of trustees, districts from which elected and terms of office.
- 75-8108. Call for nominations of trustee candidates and notice.
- 75-8109. Nomination of candidates and provision of sample ballot.
- 75-8110. Notice of organization election.
- 75-8111. Conduct of election.
- 75-8112. Determination of approval or disapproval of proposition and subsequent procedures if approved.
- 75-8113. Qualifying and organization of board of trustees.
- 75-8114. Election of trustees after organization of community college district.
- 75-8115. Tabulation, declaration and certification of elected trustees.
- 75-8116. Vacancy of trustee position.
- 75-8117. Board of trustees meetings, quorum, travel, reimbursements and seal.
- 75-8118. Pecuniary interest and letting contracts.
- 75-8119. Courses of instruction and tuition fees.
- 75-8120. Employment of personnel and retirement system for employees.
- 75-8121. Repealed.
- 75-8122. Sources of financing for and types of capital expenditures.
- 75-8123. Acceptance of donations.
- 75-8124. Lease or sale of district property.
- 75-8125. Annexation of territory of districts to community college district.
- 75-8126. Baccalaureate degrees not to be granted.
- 75-8127. Budget—approval.
- 75-8128. Financing budget.
- 75-8129. Adult education.
- 75-8130. Federal and state aid.
- 75-8131. Additional levy proposition—submission to electors.
- 75-8132. Tax levy.
- 75-8133. Deposit of moneys.

75-8101. Definition. As used in this Title, unless the context clearly indicates otherwise, the term "community college district" means a body corporate and a subdivision of the state of Montana organized under a single board of trustees for the purpose of providing community college instruction to high school graduates and other persons who have terminated their formal high school education. Community college districts shall be in addition to any other districts existing in any portion of the area encompassed by the community college district.

History: En. 75-8101 by Sec. 448, Ch. 5, L. 1971.

75-8102. Community college districts name and corporate powers. A community college district shall be known as "Community College District of _____, Montana." In this name, the community college district may sue and be sued, levy and collect taxes within the limitations of the laws of Montana, and possess the same corporate powers as districts in this state, except as otherwise provided by law.

History: En. 75-8102 by Sec. 449, Ch. 5, L. 1971.

Collateral References

Colleges and Universities §3, 5.

14 C.J.S. Colleges and Universities §4, 6.

15 Am. Jur. 2d 590, 591, Colleges and Universities, §3, 5.

16-1005. Supervision by board of regents. ~~Community college districts shall be under the supervision of the regents. The regents shall:~~

- (1) ~~Appoint a co-ordinator of community college districts and request legislative appropriations for the operation of this office;~~
- (2) ~~Formulate and put into effect uniform policies as to budgeting, record-keeping, and student accounting;~~
- (3) ~~Establish minimum entrance requirements and approve curricular offerings for all community colleges;~~
- (4) ~~Direct each community college district to seek accreditation from a recognized accrediting association.~~

History: En. 75-8103 by Sec. 450, Ch. 5, L. 1971; amd. Sec. 1, Ch. 408, L. 1971.

Collateral References

Colleges and Universities §7.
14 C.J.S. Colleges and Universities §§ 16, 18.

75-8104. Requirements for organization of community college district. The registered electors in any area of the state of Montana may request an election for the organization of a community college district where the proposed community college district conforms to the following requirements:

- (1) The proposed area shall coincide with the then existing boundaries of contiguous elementary districts of one or more counties.
- (2) The assessed valuation of the proposed area is at least thirty million dollars (\$30,000,000).
- (3) There are at least seven hundred (700) pupils regularly enrolled in public and private high schools located in the proposed area.

History: En. 75-8104 by Sec. 451, Ch. 5, L. 1971.

75-8105. Petition to propose organization of community college district. When the area of a proposed community college district satisfies the specified requirements, the registered electors of the area may petition the regents to call an election for the organization of a community college district. Such petition shall be signed by at least twenty per cent (20%) of the registered electors within each county or a part of a county included in the area of the proposed community college district.

History: En. 75-8105 by Sec. 452, Ch. 5, L. 1971; amd. Sec. 2, Ch. 406, L. 1971.

75-8106. Call of community college district organization election and proposition statement. A petition for the organization of a community college district shall be presented to the regents. The regents shall examine the petition to determine if the petition satisfies the petitioning and community college district organizational requirements.

If the regents determine that the petition satisfies such requirements, the regents shall order the elementary districts encompassed by the proposed community college district to conduct an election on the community college district organization proposition. Such election shall be held on the next succeeding regular school election day, except that an election required by a petition received by the regents less than sixty (60) days before the regular school election day shall be held at the regular school election in the following school fiscal year.

At such election, the proposition shall be in substantially the following form:

PROPOSITION

Shall there be organized within the area comprising the School Districts of (elementary districts shall be listed by county), State of Montana, a community college district for the offering of 13th and 14th year courses, to be known as the Community College District of, Montana, under the provisions of the laws authorizing community college districts in Montana, as prayed in the petition filed with the Board of Regents at Helena, Montana, on the day of, 19.....

- ☐ For organization
☐ Against organization

History: En. 75-8106 by Sec. 453, Ch. 5, L. 1971; amd. Sec. 3, Ch. 406, L. 1971.

75-8107. Election of trustees, districts from which elected and terms of office. The regents shall provide for the election of trustees of the proposed community college district at the election held for the approval of its organization. Seven (7) trustees shall be elected at large, except that should there be in such proposed community college district one or more high school districts or part of a high school district within the community college district with more than forty-three per cent (43%) and not more than fifty per cent (50%) of the total school census of the proposed district, as determined by the last school census, then each such district or part of district shall elect three (3) trustees and the remaining trustees shall be elected at large from the remainder or the proposed community college district. Should any such high school district or such part of a high school district have more than fifty per cent (50%) of the total school census of the proposed district, then four (4) trustees shall be elected from such high school district or such part of high school district and three (3) trustees at large from the remainder of the proposed community college district. If the trustees are elected at large throughout the entire proposed community college district, the one receiving the greatest number of votes shall be elected for a term of seven (7) years, the one receiving the next greatest number of votes, for a term of six (6) years, the one receiving the next greatest number of votes, for a term of five (5) years, the one receiving the next greatest number of votes for a term of four (4) years, the one receiving the next greatest number of votes for a term of three (3) years, the one receiving the next greatest number of votes for a term of two (2) years, and the elected one receiving the least number of votes for a term of one (1) year. If the trustees are elected in any manner other than at large throughout the entire proposed community college district, then the trustees elected shall determine by lot the one who shall serve for seven (7) years, the one who shall serve for six (6) years, the one who shall serve for five (5) years, the one who shall serve for four (4) years, the one who shall serve for three (3) years, the one who shall serve for two (2) years, and the one who shall serve for one (1) year. Thereafter, all trustees elected shall serve for terms of seven (7) years each.

History: En. 75-8107 by Sec. 454, Ch. 5, L. 1971; amd. Sec. 4, Ch. 406, L. 1971.

14 C.J.S. Colleges and Universities § 17.
15 Am. Jur. 2d 596, Colleges and Universities, § 11.

Collateral References
Colleges and Universities § 7.

75-8108. Call for nominations of trustee candidates and notice. ~~At and~~ for nominations of trustee candidates for the proposed community college district shall be made by the regents. Notice of the call for nominations shall be published in at least one newspaper of general circulation in each county or any portion of a county included in the proposed community college district, once a week for three consecutive weeks, the last insertion to be no less than five weeks prior to the date of the election. Such notice shall describe the geographical composition of the board of trustees membership, nomination procedure, and the proposal for the organization of a community college district.

History: En. 75-8108 by Sec. 455, Ch. 5, L. 1971; amd. Sec. 5, Ch. 406, L. 1971.

75-8109. Nomination of candidates and provision of sample ballot. Nominations of candidates for the trustee positions must be filed with the regents at least thirty (30) days prior to the date of the election. Any five qualified electors may file nominations of as many persons as are to be elected to the board of trustees of the proposed community college district from their respective community college trustee election areas. The regents shall provide the trustees of each district ordered to conduct the community college district organization election with a sample of the ballot for the election of the board of trustees. Such sample ballot shall be reproduced by the trustees in a sufficient number to be used as the trustee election ballot.

History: En. 75-8109 by Sec. 456, Ch. 5, L. 1971; amd. Sec. 6, Ch. 406, L. 1971.

75-8110. Notice of organization election. Notice of the community college district organization election and the accompanying election of a board of trustees for the proposed community college district shall be given by the regents by publication in at least one newspaper of general circulation in each county or any portion of a county included in the proposed community college district, once a week for three consecutive weeks, the last insertion to be no more than one week prior to the date of the election.

History: En. 75-8110 by Sec. 457, Ch. 5, L. 1971; amd. Sec. 7, Ch. 406, L. 1971.

75-8111. Conduct of election. The election for the organization of the community college district and the election of trustees for such community college district shall be conducted, in accordance with the school election laws, by the trustees of the elementary districts ordered to call such election. The cost of conducting such election shall be borne by the districts.

History: En. 75-8111 by Sec. 459, Ch. 5, L. 1971. Cross-Reference School elections generally, sec. 75-6401 et seq.

75-8112. Determination of approval or disapproval of proposition and subsequent procedures if approved. The proposal to organize the community college district, to carry, must receive a majority of the total number of votes cast thereon and the co-ordinator of community college districts, from the results so certified and attested, shall determine whether the proposal has received the majority of the votes cast thereon for each county within the proposed district and shall certify the results to the regents. Approval for the organization of a new community college district shall be granted at the discretion of the legislature acting upon the recommendation of the regents. Should the certificate of the co-ordinator of community college districts show that the proposition to organize such community college district has received a majority of the votes cast thereon in each county within the proposed district, the regents may make an order declaring the community college district organized and cause a copy thereof to be recorded in the office of the county clerk and re-record in each county in which a portion of such new district is located. If the proposition carries, the regents also shall determine which candidates have been elected trustees. Should the proposition to organize the community college district fail to receive a majority of the votes cast thereon, no tabulation shall be made to determine the candidates elected trustees.

Within thirty (30) days of the date of the organization order, the regents shall set a date and call an organization meeting for the board of trustees of the community college district and shall notify the duly elected trustees of their membership and of the organization meeting. Such notification shall designate a temporary chairman and secretary for the purposes of organization.

History: En. 75-8112 by Sec. 459, Ch. 5, L. 1971; amd. Sec. 1, Ch. 164, L. 1971; amd. Sec. 2, Ch. 407, L. 1971.

Compiler's Notes

Section 75-8112 was amended twice in 1971, once by Ch. 164, § 1 (approved March 3, 1971) and once by Ch. 407, § 2 (approved March 18, 1971). Neither amendment mentioned the other nor included the changes made by the other. Ch. 164 deleted "or part of a county" after "county" in the first and present third sentences of the first paragraph and deleted a third sentence reading: "If the proposition carries in some county or counties or parts of counties but not in all portions of the area sought to be included within the district, the board of education shall determine whether the area in which the proposition carried by a majority vote meets the assessed valuation and high school pupil enrollment requirements for the organization of a community college district, and if so, shall establish the boundaries and make an

order declaring the community college district organized in the area in which the proposition has carried by a majority vote."

Although Ch. 407 substituted "regents" for "board of education" in the above quoted sentence, perhaps indicating an intent that the sentence be left in the section and did not delete "or part of a county" here deleted by Ch. 164, the compiler has made a composite section incorporating the changes made by both amendments since section 75-8104 requires that the proposed area of a district coincide with the boundaries of one or more counties and the changes made by Ch. 164 appear to make this section consistent with those requirements.

Ch. 407 also inserted the second sentence of the first paragraph, substituted "may" for "shall" in the third sentence shown in the text and substituted "co-ordinator of community college districts" for "superintendent of public instruction" and "regents" for "board of education" throughout the section.

75-8113. Qualifying and organization of board of trustees. Newly elected members of the board of trustees of the community college district shall be qualified by taking the oath of office prescribed by article XIX, section 1, of the constitution of Montana. At the organization meeting called by the board of education, the board of trustees shall be organized by the election of a president and vice-president and a secretary; said secretary may be or may not be a member of the board. The treasurer of the community college district shall be the county treasurer of the county in which the community college facilities are located.

History: En. 75-8113 by Sec. 460, Ch. 5, L. 1971.

75-8114. Election of trustees after organization of community college district. After organization, the registered electors of the community college district shall vote for trustees on the first Saturday in April, and such elections shall be conducted by the component elementary school districts within such community college district upon the order of the board of trustees of the community college district. Such order shall be transmitted to the appropriate trustees not less than forty (40) days prior to the regular school election day.

Notice of the community college district trustee election shall be given by the board of trustees of the community college district by publication in one (1) or more newspaper of general circulation within each county, not less than once a week for two (2) consecutive weeks, the last insertion to be no longer than one (1) week prior to the date of the election. This notice shall be in addition to the election notice to be given by the trustees of the component elementary districts under the school election laws.

Should trustees be elected other than at large throughout the entire district, then only those qualified voters within the area from which the trustee or trustees are to be elected shall cast their ballots for the trustee or trustees from that area. All candidates for the office of trustee shall file their declarations of candidacy with the secretary of the board of trustees of the community college district not less than thirty (30) days prior to the date of election. If an electronic voting system or voting machines are not used in the component elementary school district or districts which conduct the election, then the board of trustees of the community college district shall cause ballots to be printed and distributed for the polling places in such component districts at the expense of the community college district, but in all other respects said elections shall be conducted in accordance with the school election laws. All costs incident to election of the community college trustees shall be borne by the community college district including one-half (½) of the compensation of the judges for the school elections; provided that, if the election of the community college district trustees is the only election conducted, the community college district shall compensate the district for the total cost of the election.

History: En. 75-8114 by Sec. 461, Ch. 5, L. 1971.

Collateral References

Colleges and Universities

14 C.J.S. Colleges and Universities § 17
16 Am. Jur. 2d 666, Colleges and Universities, § 11.

75-8115. Tabulation, declaration and certification of elected trustees. When the board of trustees of the community college district has received all the certified results of the election from the component elementary districts, the then qualified members of the board of trustees of such community college district shall tabulate the results so received, shall declare and certify the candidate or candidates receiving the greatest number of votes to be elected to the position or positions to be filled, and shall declare and certify the results of the votes cast on any proposition presented at such election.

History: En. 75-8115 by Sec. 462, Ch. 5, L. 1971.

75-8116. Vacancy of trustee position. Any vacancy of a trustee's position shall be filled by appointment by the remaining trustees, and the person appointed shall hold office until the next regular school election day, when a trustee shall be elected for the remainder of the unexpired term.

History: En. 75-8116 by Sec. 463, Ch. 5, L. 1971.

75-8117. Board of trustees meetings, quorum, travel, reimbursements and seal. The board of trustees of the community college shall hold monthly meetings within the community college district on such day of the month the trustees may set. The president and secretary of the board or a majority of the board may also call special meetings of the board of trustees at any time and place within the community college district, if in their judgment necessity requires it. The secretary of the board shall give each member a forty-eight (48) hour written notice of all special meetings.

A majority of the board of trustees shall constitute a quorum for the transaction of business except that no contract shall be let, teacher employed or dismissed, or bill approved unless a majority of the total board membership shall vote in favor of such action.

The members of the board of trustees shall receive ten cents (10¢) per mile for the distance necessarily traveled in going to and returning from the place of the meeting and his place of residence each day that such trip is actually made.

The board shall keep a common seal with which to attest its official acts.

History: En. 75-8117 by Sec. 464, Ch. 5, L. 1971; amd. Sec. 1, Ch. 163, L. 1971.

75-8118. Pecuniary interest and letting contracts. It shall be unlawful for any community college district trustee to have any pecuniary interest, either directly or indirectly, in the erection of any community college building in his district, or for furnishing or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of the college, or to receive or to accept any compensation or reward for services rendered as trustee, except as herein provided. No board of trustees shall let any contract (except if the amount involved is less than two thousand dollars (\$2,000) for building, furnishing, repairing or other

work or supplies for the benefit of the district, without first advertising once each week for at least two (2) weeks in a newspaper published in each county wherein the area of the district lies, and without calling for bids to perform such work or furnish such supplies. In all cases where advertising is required, the board shall award the contract to the lowest responsible bidder; provided, however, that the board of trustees shall have the right to reject any and all bids.

History: En. 75-8118 by Sec. 465, Ch. 5, L. 1971.

75-8119. Courses of instruction and tuition fees. A community college district shall ~~provide instruction~~ classes, school or schools for student residents within the community college district, in academic, occupational, and adult education, ~~subject to the approval of the regents~~. The board of trustees of such district may in their discretion determine the per capita cost of such courses. ~~file the same with the regents and upon approval thereof by the regents~~ shall require of all nondistrict residents who are accepted as pupils, a tuition fee in such sum as may be necessary for maintenance of such course or courses. A different tuition may be established as between nondistrict residents residing within the state of Montana and those residing outside the state of Montana. In addition thereto, such board of trustees may charge resident students such amounts as it deems necessary to maintain such courses, taking into consideration such other funds as may be available under law for the support of such courses.

History: En. 75-8119 by Sec. 466, Ch. 5, L. 1971; amd. Sec. 8, Ch. 408, L. 1971.

15 Am. Jur. 2d 604, Colleges and Universities, § 18.

Collateral References
Colleges and Universities—C-9.
14 C.J.S. Colleges and Universities § 27.

Residence: determination of residence or nonresidence for purpose of admission to public college. 83 ALR 2d 497.

75-8120. Employment of personnel and retirement system for employees. The board of trustees shall appoint the employees of the community college, define and assign their powers and duties and fix their compensation.

The community college district and teachers of a community college district shall be subject to and the teachers shall be eligible for the benefits of the teachers retirement system provided by the laws of Montana.

History: En. 75-8120 by Sec. 467, Ch. 5, L. 1971.

Cross-Reference
Teachers' Retirement System, sec. 75-8201 et seq.

75-8121. Repealed—Chapter 401, Laws of 1971.

Repeal

Section 75-8121 (Sec. 468, Ch. 5, L. 71), relating to budgeting and financing, participation in foundation program, ep-

cial levy, adult education and acceptance of federal funds, was repealed by sec. 8, ch. 401, Laws 1971. For present provisions, see secs. 75-8126 to 75-8132.

75-8122. Sources of financing for and types of capital expenditures. The board of trustees of any community college district is hereby vested with the power and authority to:

(1) build, enlarge, alter, repair or acquire by purchase school buildings and dormitories;

(2) furnish and equip such buildings;

(3) purchase sites for such buildings;

(4) levy an additional tax not exceeding ten (10) mills on the dollar of the taxable value of all taxable property within the district for the purposes specified in this section. Such additional tax must be approved by the registered electors in the community college district who are taxpayers upon property within such district. Such election shall be conducted in accordance with the special levy provisions for community college districts.

The board of trustees of a community college district is further vested with the power and authority to accept or borrow moneys from the federal government for the purposes of this section.

History: En. 75-8122 by Sec. 469, Ch. 5, L. 1971.

75-8123. Acceptance of donations. The board of trustees of a community college district, on behalf of the district, is hereby authorized and empowered to accept gifts, legacies and devises, subject to the conditions imposed by the deed of the dower, or will of the testator, or without any conditions imposed.

History: En. 75-8123 by Sec. 470, Ch. 5, L. 1971.

14 C.J.S. Colleges and Universities § 12.
15 Am. Jur. 2d 618, Colleges and Universities, § 38.

Collateral References

Colleges and Universities § 6(2).

75-8124. Lease or sale of district property. Whenever a district has property that is not required for the use of the district, such property may be leased or sold and conveyed to the community college district. Such lease or sale of property shall be consummated in accordance with the provisions of the law of Montana.

History: En. 75-8124 by Sec. 471, Ch. 5, L. 1971.

Collateral References
Colleges and Universities § 6(3).
14 C.J.S. Colleges and Universities § 11.

75-8125. Annexation of territory of districts to community college district. Whenever ten per cent (10%) of the registered electors of an elementary district or districts of one county petition the board of trustees of a community college district for annexation of the territory encompassed in such elementary school districts, the board of trustees of the community college district shall order an annexation election in the area defined by the petition. Such election shall be ordered within sixty (60) days of the receipt of the petition.

The election shall be conducted in the proposed area for annexation in accordance with the requirements of the community college organization election except that the board of trustees of the community college shall perform the requirements of the board of education and there shall not be an election of the board of trustees of the community college.

The proposition on the ballot shall be as follows:

"Shall school districts be annexed to and become a part of the community college district of Montana?"

☐ For Annexation

☐ Against Annexation"

To carry, the proposals to annex must receive a majority of the total votes cast thereon. Upon receipt of the certified results of the election from the elementary districts encompassed in the proposed area to be annexed, the board of trustees of the community college district shall canvass the vote and declare the results of the election. If the annexation proposition carries, a certified copy of the canvassing resolution shall be filed in the office of the county clerk and recorder of the county encompassing the area to be annexed and upon such filing, the area to be annexed shall then become a part of the community college district.

History: En. 75-8125 by Sec. 472, Ch. 5, L. 1971; Am. Sec. 1, Ch. 169, L. 1971.

75-8126. Baccalaureate degrees not to be granted. A community college district shall be prohibited from granting baccalaureate degrees.

History: En. 75-8126 by Sec. 1, Ch. 407, L. 1971.

75-8127. Budget—approval. The board of trustees of a community college district shall adopt an annual general fund budget for the general maintenance and operation of the community college district. The budget shall be submitted to the regents of the state of Montana for their approval, with or without adjustment. The budget approved by the regents shall be the budget of the community college district submitted to the budget officer of the state.

History: En. Sec. 1, Ch. 401, L. 1971.

14 C.J.S. Colleges and Universities § 9,

Collateral References

Colleges and Universities § 4, 6(5).

14.

15 Am. Jur. 2d 615-617, Colleges and Universities, §§ 29-31.

75-8128. Financing budget. The annual general fund budget of a community college district shall be financed by the following sources of revenue in the order they are enumerated below:

(1) A mandatory three (3) mill levy on the community college district.
(2) The estimated revenue to be realized from student tuition during the school fiscal year.

(3) The total of the revenues expressed in subsections (1) and (2) shall be subtracted from the annual general fund budget amount and the amount of the difference shall be financed by a state appropriation for the purpose of financing community college districts.

History: En. Sec. 2, Ch. 401, L. 1971.

75-8129. Adult education. A community college shall be considered a district for the purposes of adult education and under the provisions of adult education may levy a one (1) mill tax for the support of its

75-8130

SCHOOLS

adult education program when the superintendent of public instruction approves such program.

History: En. Sec. 3, Ch. 401, L. 1971.

Cross-Reference

Adult education, secs. 75-7512 to 75-7517.

75-8130. Federal and state aid. The board of trustees of a community college district is hereby authorized to accept funds from the federal government or the state of Montana, their instrumentalities or any of their agencies in aid of any one or more purposes or in maintaining and operating the community college.

History: En. Sec. 4, Ch. 401, L. 1971.

75-8131. Additional levy proposition—submission to electors. The board of trustees of a community college district may elect to adopt a general fund budget in excess of the budget funded by the legislature. When the board of trustees proposes such a budget, it shall submit an additional levy proposition to the electors of the district. The additional levy proposition shall be submitted to the electorate in accordance with general school election laws.

History: En. Sec. 5, Ch. 401, L. 1971.

Cross-Reference

School elections, sec. 75-6401 et seq.

75-8132. Tax levy. On the second Monday of August, the board of county commissioners of any county where a community college district is located shall fix and levy a tax on all the real and personal property within the community college district, at the rate required to finance the three (3) mill levy prescribed by subsection (1) of section 75-8128 plus any approved additional levy. When a community college district has territory in more than one county, the board of county commissioners of each county shall fix and levy the community college district tax on all the real and personal property of the community college district situated in its county.

History: En. Sec. 6, Ch. 401, L. 1971.

75-8133. Deposit of moneys. Community college district moneys shall be deposited with the county treasurer of the county where the community college is located or with other depositories approved by the regents.

History: En. Sec. 7, Ch. 401, L. 1971.

Appendix II - Current Board of Regents Policies

Item 4-005-R0474, Curricula, Montana Community Colleges

The Board of Regents of Higher Education hereby establishes the following curriculum definitions for Montana Community Colleges:

The academic curricula of the community colleges shall consist of all courses normally offered in the lower division curricula of baccalaureate granting institutions. A student who transfers to a 4-year institution and believes that he has completed in a community college, work which is the equivalent of upper division work at the 4-year institution shall be given the opportunity to demonstrate this fact through a challenge examination or other means. The coordinator of community colleges shall be notified of all proposed new offerings.

The regular occupational programs are those vocational-technical programs which appear in the community college catalogs.

Adult and continuing education programs are those courses or sequential courses funded by the one mill levy authorized under Section 75-8129 R.C.M. 1947 and/or by student fees for the specific courses, short courses or workshops.

The curriculum proposals which require specific Board of Regents' approval shall be submitted in accordance with board policy Item 2-001-R0973. In addition to the guidelines for curriculum proposals under this policy, occupational curriculum proposals will include information on the related job opportunities, as well as data on similar programs offered within the state in any postsecondary institution. The Board of Regents shall consider all other occupational curricula offered by any postsecondary institution in the state in determining necessary or unnecessary duplication.

The Board of Regents authorizes the local boards of trustees to approve adult and continuing education course offerings.

Accreditation of Montana community colleges shall be determined by the Northwest Association of Secondary and Higher Schools and other specific accrediting associations as may be approved by the Board of Regents.

February 3, 1976

MONTANA UNIVERSITY SYSTEM TRANSFER OF CREDIT POLICY

The following is promulgated by the Commissioner of Higher Education as official University System policy on the transfer of credits between units:

I. All courses from regionally accredited institutions of higher education which are recorded on the official transcript(s) of a student will be received and posted by all units of the Montana University System, including the community colleges, upon the transfer of the student.

II. All college level courses from regionally accredited institutions of higher education will be received and applied by all units of the Montana University System, including the community colleges, towards the free elective requirements of the Associate and Baccalaureate degrees, except that the receiving institution may limit the total number of credits to be accepted in a given area. Such limitations shall apply to all students.

III. In relation to the major, minor and general education and distribution requirements of the Associate and Baccalaureate degrees, all units of the Montana University System, including the community colleges, are authorized to determine the applicability of credits earned at regionally accredited institutions of higher education.

IV. The Council of Academic Vice Presidents shall recommend to the Commissioner procedures to resolve transferability problems. In formulating the recommendations it is understood that each Academic Vice President is representing his institution's policy as approved by the President.

April 8, 1974

Item 4-006-R0474, Degree and Certificate Offerings,
Montana Community Colleges

The Board of Regents of Higher Education authorizes community colleges to offer the associate in arts degree, associate in applied science degree and certificates of completion in those academic, occupational and vocational areas approved by the board.

In accordance with Section 78-8126 R.C.M. 1947, a community college district shall be prohibited from granting baccalaureate degrees.

April 8, 1974

Item 4-004-R0474, Division of Governance Responsibilities, Montana
Community Colleges

The Board of Regents of Higher Education, recognizing the dual governance of community colleges by the Board of Regents of Higher Education and the boards of trustees of the community college districts, hereby adopts the following guidelines with respect to governance authority.

The division of responsibilities for the governance of the community colleges in Montana stems from Article X, Section 9, paragraph (2)(a) of the Montana constitution.

"The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law."

Section 75-8103 R.C.M. 1947 places the supervision of the community college districts under the board of regents of higher education who shall

- 1) Appoint a co-ordinator of community college districts and request legislative appropriation for the operation of his office;
- 2) Formulate and put into effect uniform policies as to budgeting, record-keeping and student accounting;
- 3) Establish minimum entrance requirements and approve curricular offerings for all community colleges;
- 4) Direct each community college district to seek accreditation from a recognized accrediting association.

Since the terminology "management and control" to those institutions assigned by law is explicitly omitted from the constitutional language, this function is vested in the local boards of trustees of the community college districts except where otherwise specified by Montana statutes.

The following categories will serve as a basis for dividing the governance responsibilities of the Board of Regents of Higher Education and the local boards of trustees of the community college districts:

- I. Degree authorization and curriculum
- II. Budgetary and fiscal matters
- III. Presidents, faculty and personnel
- IV. Student affairs
- V. Property and construction
- VI. General

The Board of Regents of Higher Education will adopt policy with respect to those areas of governance of the community college districts dictated by the constitution and laws of Montana. Such policy can be found in the Board policy handbook which is available in the Office of the Commissioner of Higher Education.

GUIDELINES

I. Degree Authorization and Curriculum

- A. The Board of Regents shall authorize degrees and certificate offerings at the community colleges upon recommendation of the boards of trustees of the community college districts and in accord with Board of Regents' policy. The boards of trustees will grant degrees and certificates to the graduates of community colleges upon the recommendation of the faculty.
- B. The Board of Regents shall approve -
1. the general academic curricular offerings in accordance with the Board of Regents' policy under Item 2-001-R0973,
 2. the regular occupational programs which appear in the community college catalogs in accordance with Board of Regents' policy,
 3. the adult and continuing education curricula in accordance with Montana statute and Board of Regents' policy.

The boards of trustees of the community college districts will approve -

1. specific academic courses and sequences within the guidelines specified in Board of Regents' policy and Montana statutes,
2. ad hoc occupational programs and
3. adult and continuing education curricula in accordance with Montana statute and Board of Regents' policy.

The Board of Regents shall direct each community college district to seek accreditation from a recognized accrediting association and other specified accrediting organizations as approved by the Board of Regents. The board of trustees shall supervise the achievement and maintenance of accreditation standards and implementation of recommendations from the accrediting organization.

II. Budgeting and Fiscal Matters

- A. The Board of Regents will -
1. formulate uniform policies on budgeting and record-keeping,
 2. review annual general fund budgets adopted by the boards of trustees of community college districts and
 3. approve, with or without adjustment, and recommend biennial and supplemental budgets to the governor for submission to the State Legislature.

The boards of trustees of community college districts will -

1. adopt an annual general fund budget.
2. recommend biennial budgets to the Board of Regents,
3. accept, on behalf of the districts, gifts, legacies and levies, subject to the conditions imposed by the deed of the donor, or will of the testator, or without any conditions imposed,
4. accept funds from the Federal government or the State of Montana, their instrumentalities or any of their agencies in and of any one or more purposes or in maintaining and operating the community colleges,
5. submit an additional levy proposition to the electors of the districts if the general fund budget is in excess of the budget funded by the Legislature.

III. Presidents, Faculty and Personnel

- A. The Board of Regents shall establish minimum qualifications of faculty and staff.
- B. The boards of trustees of the community college districts shall appoint the employees of the community college, define and assign their powers and duties and fix their compensation.

IV. Student Affairs

- A. The Board of Regents shall establish minimum entrance requirements for all community colleges.

The boards of trustees shall establish specific requirements for the academic, occupational, adult and continuing education programs at the community colleges.

- B. The Board of Regents shall approve all student tuition and fees assessed at the community colleges.

The boards of trustees shall recommend assessment and changes in tuition and fees and approve all tuition and fee waivers.

- C. The Board of Regents shall formulate a uniform policy on student accounting.

The boards of trustees shall supervise the maintenance of approved records and student accounting.

V. Property and Construction

- A. The Board of Regents shall approve the purchase, lease or sale of all property conveyed to or from the community college districts which involves the expenditure of state funds.

The boards of trustees shall have the power and authority to purchase, lease or sell property not otherwise specified in Board of Regents' policy.

- B. The Board of Regents shall authorize construction, remodeling, repair or acquisition of school buildings and dormitories which involves the expenditure of state funds.

The boards of trustees shall have the power and authority to build, enlarge, alter, repair or acquire by purchase, school buildings and dormitories not otherwise authorized by Board of Regents' policy.

- C. The boards of trustees shall have the power and authority to levy an additional tax for the purpose described in A and B above. Such additional tax must be approved by the registered electors in a manner specified by law.
- D. The boards of trustees shall have the power and authority to accept or borrow money from the Federal government for the purpose described in A and B above.

VI. General

- A. Organization of a community college district as provided for in the statutes of the State of Montana shall be supervised by the Board of Regents.

April 8, 1974

Item 4-008-R0474, Policy Regarding Presidents, Faculty
and Personnel, Montana Community
Colleges

The minimum requirement for academic faculty at the community colleges shall be a master's degree in the teaching field or in a closely related academic discipline approved by the coordinator of community colleges. Faculty employed at the time of approval of this policy shall be considered exempt. Under extenuating circumstances, approval of the coordinator of community colleges must be obtained to temporarily employ faculty without the minimum qualifications.

Minimum qualifications for occupational faculty shall be three years' experience in the occupation to be taught. Faculty employed at the time of approval of this policy shall be considered exempt. Under extenuating circumstances, approval of the coordinator of community colleges must be obtained to temporarily employ faculty without the minimum qualifications.

Qualification for adult and continuing education faculty shall be determined by the presidents of the community colleges.

April 8, 1974

Item 4-010-R0474, Policy Regarding Property and Construction, Montana Community Colleges

Prior to the purchase, lease or sale of property or the construction, enlargement, alteration, repair or acquisition of school buildings or dormitories which involve the expenditure of money directly appropriated by the legislature, the boards of trustees of community colleges must first obtain approval from the Board of Regents of Higher Education.

April 8, 1974

Item 4-009-R0474, Policy Regarding Students and Student Fees, Montana Community Colleges

The community colleges shall admit as students all persons who are high school graduates or eighteen years of age. A person under eighteen years of age shall be admitted upon the recommendation of his high school principal.

The Board of Regents of Higher Education requires that annual consolidated schedules of all student tuition and fees assessed at the community colleges be submitted as a part of the annual general fund budget presentations.

Student accounting shall be submitted to the coordinator of community colleges on forms and in a manner provided by the coordinator.

April 8, 1974

Item 4-007-R0474, Policy Regarding Budgeting and Fiscal
Matters, Montana Community Colleges

The community college biennial and supplemental budgets shall be presented to the Board of Regents of Higher Education for consideration on forms and in a manner provided by the Commissioner of Higher Education.

Under the authority of Section 72-8127 the annual general fund budget shall be presented to the Board of Regents on forms and in a manner provided by the Commissioner of Higher Education. The annual budget will be reviewed by the Board of Regents.

The coordinator of community colleges shall formulate uniform policies on record keeping.

April 8, 1974

Item 4-011-R0474, Policy Regarding Organization of
Community College Districts

The Board of Regents of Higher Education directs the coordinator of community colleges to supervise the organization of community college districts as provided in the statutes of the State of Montana.

Appendix III - Recent Legislation

HOUSE BILL NO. 624

INTRODUCED BY FINLEY, GUNDERSON, DUSSAULT, WOOD,

SOUTH, HALVORSON, JAMES MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 75-8128, R.C.M. 1947, TO PROVIDE FINANCING FOR THE COMMUNITY COLLEGE DISTRICTS AT A 65/35 STATE TO LOCAL RATIO."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-8128, R.C.M. 1947, is amended to read as follows:

"75-8128. Financing budget. The annual general fund operating budget of a community college district shall be financed by the following sources of revenue at a 65/35 state to local ratio as defined by the board of regents in the order they are enumerated below:

(1) A mandatory three (3) mill levy on the community college districts. The estimated revenue to be realized from student tuition and fees as approved by the board of trustees.

(2) The estimated revenue to be realized from student tuition during the school fiscal year. A mandatory mill levy on the community college districts that will provide up to thirty-five percent (35%) of the annual budget as approved by the board of regents. A MANDATORY MILL LEVY ON THE

COMMUNITY COLLEGE DISTRICT THAT WHEN COMBINED WITH SUBSECTION (1) OF THIS SECTION WILL PROVIDE THIRTY-FIVE PERCENT (35%) OF THE ANNUAL BUDGET APPROVED BY THE BOARD OF REGENTS.

(3) The total of the revenues expressed in subsections (1) and (2) shall be subtracted from the annual general fund operating budget amount and the amount of the difference shall be financed by a state appropriation for the purpose of financing community colleges in an amount not approved by the board of regents. The amount of the difference shall be financed by a state appropriation for the purpose of financing community colleges in an amount not to exceed of sixty-five percent (65%).

IF THE STATE CANNOT FUND THE COMMUNITY COLLEGES AT SIXTY-FIVE PERCENT (65%) OF THE REGENTS' RECOMMENDED BUDGET, THE COUNTY COMMISSIONERS OF EACH COUNTY IN WHICH COMMUNITY COLLEGES ARE LOCATED SHALL LEVY ADDITIONAL TAXES IN SUCH NUMBER OF MILLS ON THE TAXABLE VALUE OF ALL TAXABLE PROPERTY WITHIN THE COUNTY, AS IS REQUIRED TO COMPLETE THE FINANCING OF THE BUDGET AS APPROVED BY THE BOARD OF REGENTS. IF THE SIXTY-FIVE PERCENT (65%) LEVY THE STATE SHALL PERMIT THE COMMUNITY COLLEGE DISTRICTS TO RAISE THE ADDITIONAL FUNDS UNDER SECTION 75-8131."

-End-

1 years, AND the one TWO who shall serve for five-~~(5)~~-years;
 2 the-one-who-shall-serve-for-four--~~(4)~~--years;--the-one-who
 3 shall-serve-for-three-~~(3)~~-years;--the-one-who-shall-serve-for
 4 two-~~(2)~~-years;--and-the-one-who-shall-serve-for one (1) year.
 5 Thereafter, all trustees elected shall serve for terms of
 6 seven-~~(7)~~ three (3) years each."

7 SECTION 2. THIS ACT SHALL BECOME EFFECTIVE UPON

8 PASSAGE AND APPROVAL.

-End-

SENATE BILL NO. 55

INTRODUCED BY HIMSL, OLSON, MATHERS, BROWN.

R. SMITH, THIESSEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-8107, R.C.M. 1947, TO CHANGE THE TERM OF OFFICE FOR TRUSTEES OF COMMUNITY COLLEGES FROM SEVEN (7) TO THREE (3) YEARS; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-8107, R.C.M. 1947, is amended to read as follows:

"75-8107. Election of trustees -- districts from which elected -- and terms of office. The regents shall provide for the election of trustees of the proposed community college district at the election held for the approval of its organization. Seven (7) trustees shall be elected at large, except that should there be in such proposed community college district one (1) or more high school districts or part of a high school district within the community college district with more than forty-three per cent (43%) and not more than fifty per cent (50%) of the total population of the proposed district, as determined by the last census, then each such district or part of district shall elect three (3) trustees and the remaining trustees

shall be elected at large from the remainder of the proposed community college district. Should any such high school district or such part of a high school district have more than fifty per cent (50%) of the population of the proposed district, then four (4) trustees shall be elected from such high school district or such part of high school district and three (3) trustees at large from the remainder of the proposed community college district. If the trustees are elected at large throughout the entire proposed community college district, the one THREE receiving the greatest number of votes shall be elected for a term of seven-~~(7)~~ THREE (3) years, the one TWO receiving the next greatest number of votes, for a term of ~~six-(6)~~ TWO (2) years, AND the one TWO receiving the next greatest number of votes, for a term of ~~five-(5)~~ years, the one receiving the next greatest number of votes for a term of ~~four-(4)~~ years, the one receiving the next greatest number of votes for a term of ~~three-(3)~~ years, the one receiving the next greatest number of votes for a term of ~~two-(2)~~ years, and the elected one receiving the least number of votes for a term of one ~~(1)~~ year. If the trustees are elected in any manner other than at large throughout the entire proposed community college district, then the trustees elected shall determine by lot the one THREE who shall serve for seven-~~(7)~~ THREE (3) years, the one TWO who shall serve for ~~six-(6)~~ TWO (2)

HOUSE BILL NO. 513

INTRODUCED BY FINLEY, GUNDERSON, SOUTH, WOOD

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 84-3804, R.C.M. 1947, TO ALLOW THE BOARD OF REGENTS TO ALLOCATE UP TO THREE MILLS OF THE SIX MILLS THAT ARE LEVIED ANNUALLY FOR THE SUPPORT OF THE MONTANA UNIVERSITY SYSTEM TO THE COMMUNITY COLLEGE DISTRICTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 84-3804, R.C.M. 1947, is amended to read as follows:

"84-3804. Increase of state tax levy -- support units of university of public educational institutions SUBJECT TO BOARD OF REGENT SUPERVISION. Upon the approval of the electors of this state, to be determined by their vote at the general election to be held in November of 1966, the legislative assembly shall levy a property tax of not more than six (6) mills on the taxable value of all real and personal property each year for ten (10) years beginning with the year 1969. All revenue from this property tax levy shall be appropriated for the support, maintenance, and improvement of the Montana university system, ~~except that~~ the AND OTHER PUBLIC EDUCATIONAL INSTITUTIONS SUBJECT TO BOARD OF REGENTS SUPERVISION. THE board of regents may, at

1 their discretion, allocate up to three (3) mills of the six
2 (6) mill levy FROM THE COMMUNITY COLLEGE DISTRICT IN WHICH
3 THE COMMUNITY COLLEGE IS LOCATED for the support and
4 maintenance of the community college districts."

-End-